

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

24 HOUR FITNESS USA, INC., a California corporation dba 24 HOUR FITNESS,

Petitioner,

V.

ERIN SHINE,

### Respondent.

CASE NO. C11-2059 RSM

## ORDER OF DISMISSAL

The Court has previously ordered the petitioner to show cause why this petition to compel arbitration should not be dismissed as duplicative of an earlier petition filed by respondent in the United States District Court for the Northern District of California. Principles of comity and sound judicial administration counsel a court to decline jurisdiction over an action when a case involving the same parties and issues has previously been filed in another district. *Pacesetter Systems, Inc., v. Medtronic, Inc.*, 678 F. 2d 93, 94-95 (9th Cir. 1982).

The Court has reviewed the response to the Order to Show Cause and remains unconvinced that sound judicial administration counsels in favor of exercising jurisdiction in this case. The issue of arbitration venue is already under consideration by the district court in California. In the event that court determines that Washington is the appropriate venue for arbitration, and respondent refuses to

## ORDER OF DISMISSAL - 1

1 comply, petitioner may then move to re-open this case.

2 Accordingly, the Court shall decline jurisdiction under the “first to file” rule. The action is  
3 DISMISSED. The Clerk is directed to close the file.

4

5 DATED June 20, 2012.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE